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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,508	12/26/2000	Robert H. Willis	BS99-184	9790

7590 08/08/2002

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/746,508

Applicant(s)

WILLIS ET AL.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1-600" has been used to designate both the twisted pairs and every other designated reference in the drawings. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference signs 1-600, used to describe the twisted pairs and mentioned in the description. In order to provide a more clear representation of the invention, applicant should renumber the twisted pairs and then include these reference numbers/signs in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 12 states that the dispatch division receives a first report of a first malfunction and a second report of a second malfunction, indicating two separate and distinct malfunctions. The claim goes on to state that the company determined that the first malfunction was the cause of both reports, indicating that there was not a second malfunction. These two

Art Unit: 3627

limitations contradict each other and render the claim confusing. Applicant should modify the wording of the claim in order to more distinctly claim the invention.

For the purpose of compact prosecution the office will interpret the claim to mean that the first malfunction was the cause of the second malfunction and hence the cause of the second report.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-8 and 10-11 as interpreted by the office are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Bunte et al.

In the specification applicant discloses a prior art system for reporting and billing on damage to company property consisting of a dispatch division adapted to receive a report of a malfunction of company property (page 2, line 19) and dispatch a technician to the scene (page 3, lines 3-4) or in some cases multiple technicians in response to multiple reports (page 5, lines 20-22). The technician diagnoses the report of a malfunction and collects data related to the report (page 3, lines 3-6). The company then uses this information to send out another technician (page 6, line 3-8) or generate a bill (page 6, lines 14-17).

The system disclosed by the applicant as prior art does not teach a technician collecting data from a remote location over a wireless network, where the network allows communication

Art Unit: 3627

between various organizations within the company. Bunte et al. teaches a wireless data collection, communication and processing system (column 4; lines 55-59). The system of Bunte et al. allows for data communications between multiple operators and nodes in the communications network (column 9; lines 61-63). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Bunte et al. in the prior art system disclosed by the applicant in the specification in order to allow the technicians to electronically collect data on site (i.e. from remote locations) and then report on and communicate the data in real time.

Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Bunte et al. as applied to claims 1-3, 5-8 and 10-11 and 13-16 above, and further in view of Schlect et al.

Applicant's disclosure of prior art in the specification in view of Bunte et al. (described in detail above) does not teach a system that automatically generates a bill. Schlect et al. teaches a electronic bill consolidation and presentation system. The system of Schlect et al. takes billing information from a labor-dependent service, verifies its accuracy and then presents it to the customer in a computer-viewable format. (column 21; lines 44-60). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Schlect et al. in the prior art system disclosed by the applicant in the specification in view of Bunte et al. in order to utilize the efficiencies generated by the wireless communication system of Bunte et al. and to greatly reduce the time-consuming and manual process of bill generation and presentation.

Claims 12 and 17 as interpreted by the office are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Schlect et al.

In the specification applicant discloses a prior art system for reporting and billing on damage to company property consisting of a dispatch division able to receive reports on malfunctions to company property (page 5, line 17-20), dispatch division able to send technicians to the scene in response to these reports (page 5, lines 20-22), the company determining that one malfunction caused both reports (page 6, lines 1-2) and the company issuing a bill based on any work needed in order to repair the system (page 6, lines 15-18).

The prior art disclosed by the applicant does not teach preparing a bill based on the work of all the technicians involved in the repair. Schlect et al. teaches an electronic bill consolidation system where a bill is generated by consolidating at least some of the billing information pertaining to a plurality of service providers. It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Schlect et al. in the system disclosed by the applicant in order to collect and consolidate billing information from a plurality of technicians who are sent out based on a report of a malfunction to company property.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's disclosure of prior art in view of Schlect et al. as applied to claims 12 and 17 above, and further in view of Bunte et al.

The system disclosed in the specification by the applicant as prior art in view of Schlect et al. (described in detail above) does not teach the technicians providing information over a wireless system. Nor does it teach the technicians inputting information with a laptop computer. Bunte et al. teaches a wireless data collection, communication and processing system (column 4;

Art Unit: 3627

lines 55-59). The system of Bunte et al allows for data communications between multiple operators and nodes in the communications network (column 9; lines 61-63). The system of Bunte et al. allows for the data collection system to be a portable computer (column 3; lines 5-15). It would have been obvious to anyone skilled in the art at the time of the invention to utilize the system of Bunte et al. in the prior art system disclosed by the applicant in the specification in view of Schlect et al. to allow the technicians to electronically collect data on site (i.e. from remote locations) and then report on and communicate the data in real time.

Information Disclosure Statement

The following is a quotation from 37 CFR 1.98 Content of information disclosure statement.

(b)(5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date and place of publication.

The information disclosure statement provided by applicant has numerous reference that do not meet the criteria set forth in 37 CFR 1.98 (b)(5), in particular the IDS includes web-sites or web-address without relevant dates of publication. Therefore these references will not be considered.

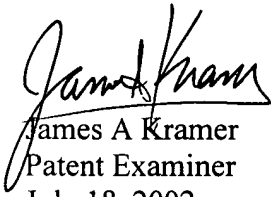
Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9123 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


James A Kramer
Patent Examiner
July 18, 2002


Kenneth R. Rice
Primary Examiner